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Remarks:

*Amendments to the claims:*

Claims 1-10 and 12-2 are pending in this application. By this Amendment, claims 6-8 and 13 are amended. Claim 6-8 are amended to address an objection to the claims; and claim 13 is amended to depend from claim 1.

No new matter is added to the application by this Amendment.

*Regarding the objection of claims 6-8 and 14-19 for allegedly informalities:*

Applicants respectfully traverse the objection of the foregoing claims.

In response to the objections, claims 6 and 7 were amended to depend from the composition according to claim 5. Applicants submit that the amendments to claims 6 and 7 overcome the claim objection as set forth in the Office Action.

With respect to claim 8, the claim was amended to include the features of claim 5 and to remove reference to claim 5 from the claim.

Applicants respectfully request withdrawal of the objection to the claims.

*Regarding the rejection of claims 1-10 and 12-20 under 35 USC 102(b) as allegedly being anticipated by US 5,041,421 to King:*

Applicants respectfully traverse the rejections of the claims in view of King.

Prior to discussing the relative merits of the Examiner's rejection, Applicants point out that unpatentability based on "anticipation" type rejection under 35 USC 102 requires that the invention is not in fact new. See *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 299, 302, 36 USPQ2d 1101, 1103 (Fed. Cir. 1995) ("lack of novelty (often called 'anticipation') requires that the same invention, including each element and limitation of

the claims, was known or used by others before it was invented by the patentee"). Anticipation requires that a *single reference* [emphasis added] describe the claimed invention with sufficient precision and detail to establish that the subject matter existed in the prior art. See, *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990).

The principle of "inherency," in the law of anticipation, requires that any information missing from the reference would nonetheless be known to be present in the subject matter of the reference, when viewed by persons experienced in the field of the invention. However, "anticipation by inherent disclosure is appropriate only when the reference discloses prior art that must necessarily include the unstated limitation, [or the reference] cannot inherently anticipate the claims." *Transclean Corp. v. Bridgewood Servs., Inc.*, 290 F.3d 1364, 1373 [62 USPQ2d 1865] (Fed. Cir. 2002); *Hitzeman v. Rutter*, 243 F.3d 1345, 1355 [58 USPQ2d 1161] (Fed. Cir. 2001) ("consistent with the law of anticipation, an inherent property must necessarily be present in the invention described by the count, and it must be so recognized by persons of ordinary skill in the art"); *In re Robertson*, 169 F.3d 743, 745 [49 USPQ2d 1949] (Fed. Cir. 1999) (that a feature in the prior art reference "could" operate as claimed does not establish inherency).

Thus when a claim limitation is not explicitly set forth in a reference, evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co.*, 948 F.2d at 1268. It is not sufficient if a material element or limitation is "merely probably or possibly present" in the prior art. *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295 [63 USPQ2d 1597] (Fed. Cir. 2002). See also, *W.L. Gore v. Garlock, Inc.*, 721 F.2d at 1554 (Fed. Cir. 1983) (anticipation "cannot be predicated on mere conjecture respecting the characteristics of products that might result from the practice of processes disclosed in references"); *In re Oelrich*, 666 F.2d 578, 581 [212 USPQ 323] (CCPA 1982) (to anticipate, the asserted inherent function must be present in the prior art).

The Patent Office alleges that King discloses each and every feature recited in claims 1-10 and 12-20. Applicants respectfully disagree with the allegations by the Patent Office.

Independent claim 1 requires a method of preparation of a free-flowing solid fragrance-providing composition, comprising the addition of a fragrance to a particulate carrier material in the presence of a water-soluble salt of an alkali or alkaline earth metal.

Moreover, independent claim 5 and amended claim 8 require a free-flowing solid fragrance-providing composition, consisting essentially of a particulate carrier on which is deposited a fragrance and a water-soluble salt of an alkali or alkaline earth metal, the composition comprising at least 60% by weight of water-soluble salt and 20% maximum by weight of particulate carrier, and the ratio of water-soluble salt to fragrance being from 20:1 to 1.5:1.

In contrast, King is directed to a fragrant material for emitting fragrance into an atmosphere, such as a room (see col.1, lines 11-12). However, King's material comprises a plurality of discrete pellets of compressed salt having a fragrant oil dispersed within the pellets. (see col.2, lines 30-32).

Accordingly, King's carrier for the perfume is compressed salt having interstices, such that it can absorb fragrant oil. Thus, King's carrier is completely in contrast to the presently claimed carrier because the carrier according to present claims 1, 5 and 8 is NOT salt.

Claim 1 requires addition of a fragrance to a particulate carrier material. Additionally, claim 1 requires such addition to occur in the presence of a water-soluble salt of an alkali or alkaline earth metal. Nowhere does claim 1 recite that the particulate carrier material itself is a salt as alleged by the Patent Office. Claims 5 and 8 require a particulate carrier on which is deposited a fragrance and a water-soluble salt of an alkali or alkaline earth metal.

Applicants would like to submit that various methods have relied on using solid carriers for fragrances and that typical examples of such carriers include inorganic particles, usually silica (both precipitated and gel-type); however, the major drawback of these methods has been the water insolubility of the carrier (see page 1, lines 14-16 of the present specification).

Moreover, in a wash or rinse liquor, the water-soluble salt dissolves readily, unlike many known compositions, and the released fragrance partitions preferably on to the substrate being washed (see page 4, lines 21-23 of the present specification). However, the presently claimed invention overcomes such problems by utilizing known particulate carriers (i.e., those known from the laundry field) in a way that overcomes those carriers undesirable water solubility.

It should be noted that King does not even consider such particulate carrier materials in the disclosed list of the prior art and fails to address the problems associated the such particulate materials (see col. 1, line 63 – col. 2, line 18 of King). Also note that rock salt (also a sodium chloride; however, a non-compressed version) is regarded as unsuitable (see col. 2, lines 5-6 of King). Furthermore, the optional possible additional ingredients that may be used with the salt are "water-soluble" - and hygroscopic (see col. 3, lines 52-58 of King).

Thus, the compositions of King are not the same as or equivalent to and do not teach or suggest the presently composition.

The Applicants submit that Patent Office is in error by alleging that King teaches a method of providing a fragrance to a substrate during washing or rinsing and citing to col. 10, lines 37-40 and claim 37 of King. Instead, col. 10, lines 37-40 and claim 37 of King set forth the following:

granules and joining them together.

Uses for loose granules or powder include incorporation into potpourri, powdered chemical substances,  
40 roach powder or a rug cleaner, powdered pet deodoriz-

60 37. The fragrant material of claim 1, 9, 31, or 33  
wherein said fragrant material is placed in heated water.

Thus, the passage cited by the Patent Office is silent about fragranting a substrate during washing, and claim 37 refers not to fragranting substrates, but to the following aspect of King:

Furthermore, an ideal carrier would be suitable for "simmering"—warming the material in or out of water to accelerate the flow of fragrance into the room. More particularly, the carrier would dissolve slowly in water, 60 cause no harm to pots and pans and permit an easy clean up after use.

(see col. 1, lines 57-62 of King); and

In another aspect, the invention features a fragrant material for imparting a pleasant fragrance when exposed in dry state at ambient conditions or when placed in heated water, that includes a molded shape of compressed sodium chloride salt granules having a fragrant oil dispersed within the molded shape.

(col. 2, lines 48-53 of King).

Further, claim 37 has nothing to do with fragrance substrates during washing, but fragranting atmospheres. In addition, Applicants want to point out the following passage:

If the fragrant material is going to be  
simmered in water, it is preferred that the salt contain

(see col. 4, lines 14-16 of King)

As observed from these passages of King, King fails to teach or suggest addition of insoluble silica for used in water. Thus, the compositions of King teach away from the presently claimed invention.

Accordingly, King fails to disclose addition of a fragrance to a particulate carrier material in the presence of a water-soluble salt of an alkali or alkaline earth metal as required by claim 1. Moreover, King fails to disclose a composition consisting essentially of a particulate carrier on which is deposited a fragrance and a water-soluble salt of an alkali or alkaline earth metal as required by claims 5 and 8.

Because the features of claims 1, 5 and 8 are not disclosed by King, King cannot anticipate, nor would not have rendered obvious, the features specifically defined in claims 1, 5 and 8 and their dependent claims.

For at least these reasons, claims 1-10 and 12-20 are patentably distinct from and/or non-obvious in view of King. Reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. 102(b) are respectfully requested.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

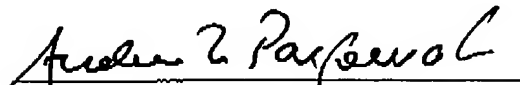
The early issuance of a *Notice of Allowability* is solicited.

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**CONDITIONAL AUTHORIZATION FOR FEES**

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, including any extension of time fees, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



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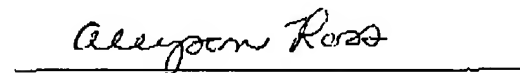


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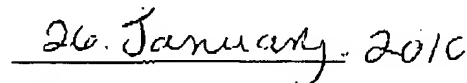
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**CERTIFICATION OF TELEFAX TRANSMISSION:**

I hereby certify that this paper and all attachments thereto is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:



Allyson Ross



Date:

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